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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,846	04/27/2006	Valerio Borzatta	207,566	6064
7590		10/22/2007		
Jay S Cinamon Abelman Frayne & Schwab 666 Third Avenue New York, NY 10017-5621			EXAMINER WITHERSPOON, SIKARL A	
			ART UNIT 1621	PAPER NUMBER
			MAIL DATE 10/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over reference AR listed on the attached PTO-1449, and JP57009734, in combination.

The instant claims are drawn to a process for preparing a heliotropine derivative by reacting a chloromethyl derivative with an alkaline acetate to form an acetyl derivative, hydrolyzing the acetyl derivative to form an alkoxybenzyl alcohol derivative, and then oxidizing the alcohol derivative to produce said heliotropine derivative.

The reference listed as "AR" teach the preparation of anisic alcohol (an alkoxybenzyl alcohol) by reacting a chloromethylanisole compound (and anisyl chloride), made by chloromethylation of anisole, with sodium acetate in ethanol to form an acetyl derivative, anisyl acetate and o-methoxybenzyl acetate, and then reacting the acetyl derivative by boiling with potassium hydroxide in ethanol to hydrolyze the acetyl derivative and produce an alkoxybenzyl alcohol derivative (abstract).

The difference between "AR" and the instant claims is that "AR" does not teach further reaction of the alkoxybenzyl alcohol to produce an alkoxybenzaldehyde, i.e., heliotropine derivative.

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Japanese publication JP 57009734 teaches the oxidation of an alkoxybenzyl alcohol, in the liquid phase to an alkoxybenzaldehyde (heliotropine derivative), using a catalyst comprising palladium and/or platinum, and lead and/or copper (abstract).

It therefore would have been obvious to a person having ordinary skill in the art, at the time the invention was made, desiring to produce an alkoxybenzaldehyde (heliotropine) derivative from the alkoxybenzyl alcohol made by the process taught in "AR", to combine the teaching of JP 57009734 with the teaching of "AR", since it is well-known that the alkoxybenzaldehyde derivatives are useful as raw materials in the perfume industry.

Claims 6-7 are objected to as being dependent on a rejected base claim.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikarl A. Witherspoon whose telephone number is 571-272-0649. The examiner can normally be reached on M-F 8:30-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler can be reached on 571-272-0871. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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PRIMARY EXAMINER